



2015-16 Award Manual

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### **IHCDA Mission Statement:**

The Indiana Housing and Community Development Authority (IHCDA) creates housing opportunities, generates and preserves assets, and revitalizes neighborhoods by facilitating the collaboration of multiple stakeholders, investing financial and technical resources in development efforts, and helping build capacity of qualified partners throughout Indiana.

### **IHCDA Background:**

IHCDA was created in 1978 by the Indiana General Assembly and is a quasi-public financial self-sufficient statewide government agency. IHCDA's mission is for every Hoosier to have the opportunity to live in safe, affordable, high-quality housing in an economically stable community. IHCDA believes that growing Indiana's economy starts at home.

IHCDA's programs are successful in large part because of the growing network of established partnerships with local, state, and federal governments, for-profit businesses, and not-for-profit organizations. IHCDA's for-profit partners include community development corporations, community action agencies, and not-for-profit developers.

IHCDA is governed by a seven member Board of Directors. A list of the current members of the Board of Directors can be found here: <a href="http://www.in.gov/ihcda/2352.htm">http://www.in.gov/ihcda/2352.htm</a>. Board meetings are open to the public and occur at 10 AM on the final Thursday of each month at IHCDA headquarters at 30 S. Meridian St. Indianapolis, IN.

### **Community Programs Department Overview:**

In 2007, the Governor of the State of Indiana Mitchell E. Daniels, Jr., designated IHCDA as the lead agency for the purpose of carrying out State activities for the Community Services Block Grants ("CSBG"), Weatherization ("Wx"), and Energy Assistance Program ("EAP"). IHCDA created the Department of Energy Programs in 2011, which was tasked with overseeing the allocation, implementation, and monitoring of the energy programs and Community Services Block Grant funded through the U.S. Department of Energy ("DOE") and the U.S. Department of Health and Human Services ("HHS"). In 2013, these programs were transferred to the Community Programs Department, which also encompasses the Individual Development Account Program, the Housing Choice Voucher Program, and Homelessness Prevention Initiatives. In 2014, The Neighborhood Assistance Program was moved to a new division of the Community Programs department.

### What is NAP?

The Neighborhood Assistance Program ("NAP") is a program of the State of Indiana, created by IC 6-3.1-9. This program distributes state tax credits to eligible non-profit organizations, which the non-profit organizations can then re-sell to raise funds for programs and services. When donors purchase credits from an eligible non-profit organization, they receive a reduction of their Indiana income tax liability valued at 50% of the amount of their donation (a \$200 donation receives \$100 in tax credits.) The donors receive this credit when they file their State tax return.

### **NAP Background**

NAP may offer up to \$2.5 million in State tax credits each State fiscal year for distribution to 501 (c)3 not-for-profit organizations across Indiana. The state fiscal year runs from July 1 to June 30. These recipients use NAP tax credits as a fundraising tool to help them leverage further contributions from individuals and businesses for these activities. NAP tax credits are distributed to donors at 50% of the contribution amount and are subtracted from a donor's state income tax liability. Indiana Code 6-3.1-9 establishes the NAP credits and authorizes the Indiana Housing and Community Development Authority (IHCDA) to administer it.

An application is released annually for organizations to apply for credits and participate in NAP. Organizations who meet eligibility and reporting requirements may be eligible to receive credits. Once the organization's application has been approved, then the organization will receive credits according to a formulaic process.

### **How NAP Works**

NAP is administered by the Indiana Housing and Community Development Authority ("IHCDA"), in partnership with the Indiana Department of Revenue ("IDOR"). At its simplest, IHCDA administers the distribution of NAP tax credits to eligible organizations, organizations distribute tax credits based on contributions received, and IDOR administers the receipt of those credits by taxpayers/donors.

### The NAP Process











- 1. IHCDA accepts applications once each fiscal year from organizations who wish to sell NAP tax credits. IHCDA determines the eligibility of these organizations, and distributes tax credits accordingly. Applications are posted to the website in March-April each year. IHCDA will post a press release announcing the opening of the application; agencies are responsible for familiarizing themselves with the application time period, checking the IHCDA website for updates, and signing up for the IHCDA newsletter.
- 2. The organizations will give donors confirmation of their contribution for tax purposes, which allows the donor to claim the contribution and receive the tax credit when filing taxes. (Confirmation is provided by letter or a copy of the NC-10 form).









- 3. Over the course of the fiscal year, the organizations prepare as many as three reports for submission to IHCDA. These reports include all relevant information pertaining to donors who purchased NAP tax credits, as well as a close-out report.
- 4. Each calendar year, IHCDA compiles those donor reports into a single report that is submitted to the Indiana Department of Revenue. This is the NC-20 report.



5. As donors file their tax returns and claim their credits, IDOR compares the information presented on the donor's tax documents to the donor report submitted by IHCDA to determine eligibility.

# **Eligibility Requirements**

To be eligible for NAP tax credits, an organization must:

- 1. Be an Indiana Non-Profit organization in good standing with the Indiana Secretary of State. (https://secure.in.gov/sos/online\_corps/name\_search.aspx)
- 2. Have received a ruling from the U.S. Internal Revenue Service of the United States Department of the Treasury under Internal Revenue Code 501(c)3 **and** have received a ruling of tax exemption from the Indiana Department of Revenue under IC 6-2.5-5-21.
- 3. Be engaged in one of the 5 Eligible Activity Categories as established by IC-6-3.1-9. (see below)
- 4. Performing community services:
  - a. in an economically disadvantaged area;
  - b. for an economically disadvantaged household; or
  - c. for individuals who are ex-offenders who have completed the individuals' criminal sentences or are serving a term of probation or parole.
- 5. (If applicable) have successfully completed the 2015 NAP Cycle by:
  - a. Submitting all necessary reports by the applicable due dates.
  - b. Successfully selling all allocated NAP tax credits in the allotted time frame.
- 6. Have a representative on staff who has completed the 2014 NAP Pre-Award Webinar
  - a. This requirement must be completed before an application can be submitted to IHCDA.

# **Eligible Activity Categories**

Organizations must indicate in which of the following Eligible Activity Categories their organizations engage, (as outlined in IC 6-3.1-9)

Providing Counseling and Advice, Emergency Assistance, Community Services-

> Medical Care, Recreational Facilities, Housing Facilities, and Economic Development Assistance; (see Appendix A:

Definitions)

Any activity that aids in the reduction of crime in an Crime Prevention-

economically disadvantaged area or an economically

disadvantaged household;

Any type of scholastic instruction of scholarship Education-

> assistance to an individual who resides in economically disadvantaged area, or who is an exoffender who has completed the individual's criminal sentence or is serving a term of probation or parole; that enables the individual to prepare for better life

opportunities.;

Any type of instruction to an individual who resides in an Job Training-

> economically disadvantaged area or economically disadvantaged household, or is an ex-offender who has completed the individual's criminal sentence or is serving a term of probation or parole; that enables the individual to acquire vocational skills so that the individual can become employable or be able to seek a higher grade of

employment;

Neighborhood

Assistance -

Including either furnishing financial assistance, labor, material, and technical advice to aid in the physical or economic improvement of any part or all of an

economically disadvantaged area;

-OR-

**Furnishing** higher technical advice to promote

employment in any neighborhood in Indiana.

# Eligibility of Religious-Affiliated Organizations for NAP

Organizations that are religious in nature or faith-based are eligible, on the same basis as any other organization, to participate in NAP. However, some restrictions must be observed:

- Organizations funded under NAP may not, as part of the assistance funded, engage in inherently religious activities such as worship, religious instruction, or proselytizing. If an organization conducts such activities, the activities must be offered separately, in time or location, from the activity funded by NAP, and participation in religious activities must not be a prerequisite for participating in a NAP-funded activity.
- A religious organization that participates in NAP will retain its independence from Federal, State, and local government, and may continue to pursue its mission, including the practice and expression of religious beliefs, provided that it does not directly use NAP funds to support any inherently religious activities.
- Faith-based organizations **may** use space in their facilities to conduct NAP-funded programs without removing religious art, icons, scriptures, or other religious symbols.
- NAP-funded organizations **may** retain religious terms in their organizations name, select their board members on a religious basis, and include religious references in their mission statements and other governing documents.
- An organization that participates in the NAP program **may not**, in providing program assistance or services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.
- NAP funds may not be used for the acquisition, construction, or rehabilitation of structures to the extent that those structures are used for inherently religious activities.
   Sanctuaries, chapels, or other rooms that a congregation used principally as a place of worship are ineligible for NAP-funded improvements.

# **Application Process**

When: Applications will be opened in March and closed in April of each year. Organizations seeking to apply for NAP credits are not to rely upon notification from IHCDA for the opening of the application period. Organizations are responsible for

familiarizing themselves with the application time period, checking the IHCDA website for updates, and signing up for the IHCDA newsletter.

Where: The link to the application will be posted to the IHCDA website along with an IHCDA press release.

Who: A duly appointed representative of an applying organization, applying for the NAP allocation should execute the application. This may be the Executive Director, the Treasurer or CFO, or a member of the Board of Directors. The individual must have the authority to sign legal documents on behalf of the organization.

Only one application per organization is permitted.

The person completing the application can represent more than one organization.

Note: During the application process, the organization will be asked to provide contact information for their organization. IHCDA cannot be held responsible for inaccurate or out of date contact information. It is the responsibility of the organization to notify IHCDA, via the Community Programs Analyst, of any relevant changes in personnel or contact information that occurs during the NAP cycle.

If an applicant requires assistance, Brian Carman, Community Programs Analyst can be contacted by phone at (317) 234-5825, or via email at <a href="NAP@ihcda.in.gov">NAP@ihcda.in.gov</a>.

# Amending the Application

The chief executive officer and program contact for each organization will receive an email confirmation that contains a copy of the application that it has submitted to IHCDA. If the applicant submits inaccurate information or fails to complete the application, the organization may submit amendments to the application during the submission period. No additional amendments or changes to the application will be accepted once the application has closed. Once the application period has closed, IHCDA will send confirmation that the application was received and is being reviewed for accuracy.

# **Application Funding Restrictions**

- An organization that has participated in the Neighborhood Assistance Program in any of the three (3) preceding years may only apply for a maximum of \$40,000 in NAP tax credits.
- An organization that **has not participated** in the Neighborhood Assistance Program in any of the three (3) preceding years may only apply for a maximum of \$15,000 in NAP tax credits.
- An organization must apply for a **minimum of \$1,000** in NAP tax credits.

Note: If an organization applies for an amount greater than that allowed by policy, the request in the application will default to the maximum amount allowed under the allocation method discussed below.

### **Appeals Policy**

Each NAP Applicant will receive written notice **via email** of the funding decision. IHCDA wants to ensure that the process for making funding decisions is fair, open and reasonable. An Applicant who objects to or wishes to appeal a funding decision may submit an appeal under IHCDA's Appeals Policy.

Appeals must be in writing and addressed and delivered to IHCDA's Chief Community Programs Officer, within ten (10) business days of the written notice of the funding decision. The Chief Community Programs Officer, after review, will refer the appeal to the IHCDA Compliance Attorney.

Appeals should be addressed to:

Indiana Housing and Community Development Authority
Attn: Chief Community Programs Officer
30 South Meridian Street, Suite 1000
Indianapolis, IN 46204

The appeal must include the stated reasons for the Applicant's objection to the funding decision, which reasons must be based solely upon evidence supporting one (1) of the following circumstances:

- 1. Clear and substantial error or misstated facts which were relied on in making the decision being challenged;
- 2. Unfair competition or conflict of interest in the decision-making process;
- 3. An illegal, unethical or improper act; or
- 4. Other legal basis that may substantially alter the decision.

The Applicant will receive written acknowledgement of receipt of the appeal within five (5) business days of its receipt, noting the day the appeal was received. The IHCDA Compliance Attorney will have forty-five (45) days from IHCDA's receipt of the written request for appeal to review the file and make a determination. The decision of the IHCDA Compliance Attorney is final.

# **Award Announcement**

#### Award announcements will be made by 5:00PM/EST on or before June 30th.

Award letters and signatory documents will be distributed electronically (via email) to the participant organizations, which must be signed and returned via U.S. Mail or similar carrier to:

Indiana Housing and Community Development Authority
ATTN: NAP
30 S. Meridian St., Suite 1000
Indianapolis, IN 46204

#### The signed documents must be received by IHCDA at its offices by July 31st.

If IHCDA does not receive the signed award documents by this deadline, IHCDA reserves the right to withdraw the award and reallocate the NAP tax credits to another organization. The organization will receive a letter indicating that the documents were not executed and submitted in a timely manner and the award was de-allocated. Any NAP tax credits that were withheld will be reallocated after the mid- year donor contribution report is completed.

NAP tax Credits may not be sold until this award letter and the accompanying documents are completed and returned to IHCDA. If the documents are returned prior to July 1, then the organization must still wait until July 1 and the receipt of their returned executed contracts to begin selling the NAP tax credits.

## 2015 Program Timeline

In previous years, NAP has operated on a two-year schedule. Awards were made and credits were sold in the first year, funds raised were spent in the second year, and at the close of the second year of the program, a close-out report was required. Beginning in 2015, NAP will be a one-year program. Awards will be made in July, credits will be sold and funds spent through the course of the year, and a close-out report will be due in September 2016.

Further complicating the issue is the fact that NAP follows the State of Indiana fiscal schedule, which begins on July 1 and ends on June 30. However IDOR, coordinating with the Internal Revenue Service, has established a tax year that corresponds with the calendar year.

The offset nature of the tax schedule and the NAP cycle makes it quite possible for a single donor to purchase far more than the statutory limit of \$25,000 in a single program year. It is recommended that donors who make significant purchases of tax credits be advised of this statutory limit. Credits purchased in excess of this limit will not be redeemable.

Applications Open	March 13, 2015
Applications Close	April 17, 2015
Awards Announced by	June 30, 2015
Contracts Issued by	June 30, 2015
Returned Contracts Due	July 31, 2015
Mid-Year Report Due	December 4, 2015
End-of-Year Report Due	April 1, 2016
Close Out Report Due	September 30, 2016

# **Allocation Method**

IHCDA allocates NAP tax credits on a non-competitive, formula basis. All organizations who pass threshold and eligibility review receive a tax credit allocation. The amount of the tax credit allocation is calculated based on the following formula:

According to this formula, the total of all credits requested by all applying organizations is divided by the total available credits (\$2,500,000). This results in the Allocation Percentage. This allocation percentage is then multiplied by the amount requested by each individual organization to determine an individual award amount.

<u>For example:</u> In 2013, 218 organizations requested a total of \$6,449,197. The total NAP budget was \$2,500,000 in tax credits. For an organization who applied for the maximum allocation (\$40,000), the equation would look like this:

$$\left(\begin{array}{c} \$2,500,000 \\ \hline \$6,449,197 \end{array}\right) = 38.76\% \quad \chi \qquad \$40,000 = \$15,504$$

So the organization would receive an allocation of \$15,504, allowing them to raise \$31,008 in contributions.

## **Award Agreement**

2015 NAP Grant Agreements will be distributed electronically on or before June 30, 2015. These documents are to be reviewed, signed by an authorized official, and returned to IHCDA by July 31, 2015. IHCDA requires original, signed grant agreements. We will not accept faxed, copied or emailed agreements.

Organizations that are awarded NAP tax credits may not sell their credits until they have received the executed award documents. IHCDA reserves the right to withdraw and redistribute credits from organizations that have failed to complete grant agreements by July 31, 2015.

The grant agreement will include three (3) parts:

- The award letter
- The award agreement
- The authorized contact form

#### The Award Letter:

This letter congratulates the awarded organization on its receipt of NAP tax credits, and states the value of the credits awarded. It also provides instructions for the organization to complete and return the grant agreement. The letter is not required to be returned to IHCDA.

#### The Award Agreement:

This document spells out the terms which bind IHCDA and the organization to terms relevant to the operation and oversight of NAP tax credits. An attachment to the award agreement will also state the value of the NAP tax credits awarded.

#### The Authorized Contact Form:

This form must be completed to designate the appropriate persons to receive information regarding the application process or receive information during the period of the award. The organization's authorized contacts should have already been included in the application. You should only complete this form if the authorized contacts have changed since the application was submitted. To make additional changes to the authorized contact after the grant documents are executed, organizations will have access IHCDAonline.

## Reporting Policy

There are three (3) reports due to IHCDA in the course of a NAP cycle. In the 2015 program cycle, these reports are:

Due Date

Report

Contribution Report\*

Mid-Year Donor Contribution Report	Due December 4, 2015
End-Of-Year Donor	Due April 1, 2016

Close-Out Report Due September 30, 2016

<u>Mid-Year Donor Contribution Report</u> (must include all donations received between July 1 and November 30, 2015)

The first report of the NAP cycle is due roughly five (5) months after the award is made and is due on December 4, 2015. This report must reflect a sale of a minimum of 60% of the organization's total tax credit allocation. This report is electronic, and is submitted via IHCDAOnline.com

<u>End-Of-Year Donor Contribution Report</u> (must include all donations received between December 1 and March 31, 2016.)

The second report of the NAP cycle is due roughly nine (9) months from the award date and is due on April 1, 2016. This report must reflect the sale of 100% of the organization's total credit allocation.

The End-of-Year Donor Contribution Report is not required if your organization sold all of your credits in the first quarter of the cycle and reported those sales on your Mid-Year Donor Contribution Report.

Reports may be turned in ahead of the due dates. All reports must be received by 5:00 PM/EST on the due date.

Failure to submit any of these required reports by the established deadline, or to meet the relevant threshold for the sale of the NAP tax credits, may result in ineligibility for NAP tax credits in the following program cycle, the de-allocation of previously awarded NAP tax

credits, and may make it difficult for your donors to claim their NAP tax credits.

Department of Revenue Requirements (relevant to Mid-Year and End-of-Year reports)

It is absolutely vital that all reports reflect the information that will be provided on the donor's tax return. IDOR relies on these reports to verify a tax filer's (donor) eligibility for NAP tax credits.

If the information reported to IHCDA does not match the information provided on the donor's tax return documents, then IDOR will deny their credit application.

#### For Example:

Sherlock Holmes purchases \$100 in NAP credits (a \$200 contribution), which he intends to claim on his Indiana State Tax Return.	Sherlock Holmes should be reported as the donor to IHCDA.
Moriarty Consulting, LLC buys \$1000 in NAP credits (a \$2000 contribution) to offset their Indiana Corporate Tax Liability.	Moriarty Consulting, LLC should be reported as the donor to IHCDA.
Mary and John Watson purchase \$250 in NAP credits (a \$500 contribution.) They intend to file jointly.	Only the head of household (John, in this case) should be reported as the donor to IHCDA.
Baker Street Property Management, LP purchases \$1000 in NAP credits (a \$2000 contribution) which they intend to distribute to their five board members, who will each claim them individually.	Each of the Board Member's information must be collected and reported to IHCDA. Each board member should be reported as an individual donor.

### Close-Out Report

The final 2015 Close-Out Report is due on September 30, 2016.

### **Technical Difficulties**

Although IHCDA has put great effort and resources into ensuring the most reliable technology is available to our program participants, we understand that issues may arise. If technical issues prevent a participating organization from submitting the necessary reports by the required dates, please contact the Director of Community Programs at (317)-234-5825 or at

<u>NAP@ihcda.in.gov</u>. IHCDA reserves the right to grant extensions to deadlines and benchmarks on a case-by-case basis.

### **De-Allocation**

If an organization fails to sell their NAP tax credits in the required time period, or otherwise fails to adhere to the requirements of the program, then the remaining credits may be de-allocated from the organization and re-allocated to other eligible organizations.

On the Monday following the Mid-Year Contribution Report due date, IHCDA will generate the report and identify organizations which have failed to meet the mid-year benchmark of 60 percent or have not submitted reports. Those organizations with delinquent reports will be contacted and permitted to submit their donor information, to ensure that their donors receive their NAP tax credits and that the benchmark was met. Organizations who have failed to meet the expenditure/deadline benchmark will have their remaining credits de-allocated. Organizations that receive a de-allocation letter will receive an amended grant agreement to reflect the decrease in its NAP tax credit award amount.

In both instances, the organization may be ineligible to apply for NAP tax credits during the next program year.

#### **Re-Allocation**

There is no guarantee of the availability of re-allocated NAP tax credits. However, the NAP has allowed the re-allocation of unsold NAP tax credits, where necessary.

During the application process, organizations will be asked to identify whether they want additional tax credits during the re-allocation period. If the organizations mark yes, then they will be identified as potential candidates for re-allocation. If one of the requirements is missed, then the organizations will not be considered for re-allocation. No exceptions will be made.

On the Monday following the Mid-Year Report due date, IHCDA will generate the report and identify organizations who have met the mid-year benchmark of 60 percent and have submitted reports on time. To be eligible for additional NAP tax credits, the organization must sell 100% of its allocation by the mid-year reporting deadline. Organizations that have sold 100% of their allocation and submitted the Mid-Year Donor Contribution Report on time will be eligible for additional NAP tax credits and will be contacted about receiving additional NAP tax credits. These organizations will be informed of the amount of NAP tax credits available to

them and a survey will also be given a time period to confirm/accept the additional NAP tax credits.

Re-allocated tax credits will be divided in equal portions to eligible organizations, and are held to the same requirements as other NAP tax credits. If an organization receives additional NAP tax credits, then these new NAP tax credits must be sold by **March 31, 2016**. These organizations will also receive an amended grant agreement to reflect an increase in the NAP tax credit award amount. Organizations should not take additional credits if they are unable to sell the credits by March 31, 2016. A re-allocation will require the submission of a new End-Of-Year Donor Contribution Report, indicating that all credits were sold by June 30, 2016.

# **Contributions**

- Contributions must be reported in the calendar year in which they were made. Similarly, tax credits received may only be taken on the tax return for the calendar year in which the associated contribution was made.
- If a donor makes several individual contributions, they may be reported individually or as a single donation using the total combined value of the donations and the date of the final contribution.
- No single donor may claim greater than \$25,000 in NAP credits in a single calendar year pursuant toIC-6-3.1-9-3(b).

### Maximum contribution:

An individual contribution, as reported to IHCDA for the purpose of NAP, may not exceed 200% of the total value of credits allocated to the organization during a program year. The sale of tax credits above and beyond the allocated amount will not be honored by IHCDA or the IDOR.

#### Minimum Contribution:

An individual reported contribution must be no smaller than \$100\*. If an individual donor makes several small contributions in the same calendar year that total an amount greater than \$100, they should be reported as a single contribution using the date of the final contribution.

\*Exception: In the event that an organization has less than \$100 of tax credits remaining, then and only then will a donation of less than \$100 be accepted.

### **Eligible Donors and Contributions**

Eligible donors include any person, business, or organization that has an Indiana tax liability. Eligible contributions include:

- Cash
- Check
- Credit Card
- Stock (that has been sold)
- Donations designated to the recipient through United Way
- In-Kind Donations (limited to building materials)
- Property Donations (that will be used for or pertains to current NAP activity)

#### Contributions from Organizations or Corporations

Organizations and corporations are welcome to make NAP tax credit eligible contributions. However, additional steps or information may be required when reporting these contributions:

- If an organization or corporation wishes to claim the credits itself, please enter its information and the total contribution amount on the electronic report.
- If an organization or corporation wishes to distribute the credits to its members or shareholders, then the value of the credits must be divided appropriately, and each division listed as a separate contribution from the individual who will be claiming the credits.

### **Contributions from Families or Couples**

If a couple files a joint tax return, then only the name and information of the Head of Household should be reported. If a couple files separately, only one person may claim the credit and the report should be completed accordingly. If a couple makes a single contribution, files separately, and wishes to divide their credits, please enter their names on the report as separate donors making separate contributions and note this in your records.

### **Documentation Requirements**

Typically, IHCDA does not require that supporting documentation be submitted along with the reports. However, IHCDA does reserve the right to perform oversight and monitoring on an organization's donation records pertinent to NAP pursuant to IRS Publication 1771.

### What records should be kept:

Cash or Credit Card Donations Receipt copies (or letters)

Checks Copies of the checks

Stock Donations Copies of stock transaction reports/pages and thank you

letters

United Way Designations Copies of donor designation, documentation of receipt of

donation, and/or employer paystubs from the donors

In-Kind Donations Receipts showing the building material value, and receipts or

thank you letters detailing the donation

Property Donations Copy of the deed, current appraisal, and receipt

### Rounding

NAP tax credits must be distributed and reported at 50% of the value of the donation. In the event that a donation must be rounded, it must be rounded up to the nearest cent and reported accordingly.

#### Stock

Stock must be sold in order to be eligible for NAP tax credits. Due to all stock being sold, the contribution type for stock should also be shown as "cash." The contribution amount that should be used for a stock donation is the amount of funds that the organization actually receives (the value of the stock at the time it was sold minus transaction fees and administration fees.)

### **United Way Designations**

Donations made to the recipient via United Way designations are eligible for NAP tax credits. It is vital that this transaction is documented accurately in your records. The contribution amount that should be used is the amount of funds that the organization actually receives after United Way subtracts administrative or processing fees. Therefore, the donation amount is almost

never exactly 50% of what the donor has contributed. The contribution type should be shown as "cash."

#### **In-Kind Donations**

In-kind donations are limited to building materials that are to be utilized on the recipient's NAP activity. **Services (sweat equity), supplies, and equipment are not eligible in-kind donations**. Building materials must be valued at the cost to the donor, not the retail cost. The contribution type should be shown as "property." In addition, an organization cannot exchange NAP tax credits for rental payments or other assistance.

#### **Property**

Property must be used for or pertain to the current NAP activity. The value of the property should be obtained by using the current appraisal. Organizations must enter into and keep a copy of the deed conveying the property to them. The contribution type should be shown as "property."

The amount of the contribution that applies to the NAP project (the value of the property donated) is the amount that should be entered on the electronic reports. The participating organization should keep documentation of this transaction for their records in the form of a receipt, a thank you letter, or other relevant documents.

### **Determining Contribution Dates**

- Cash, Credit/Debit Card the day the organization receives cash or the transaction is conducted
- Check the date shown on the check
- Stock the date the organization actually receives funds into their account (often times this is called the "settlement date"
- United Way Designations the date that the donor contributed funds (often times this is
  the date of the withdrawal from the donor's paycheck or the date the donor gave funding
  to United Way)
- In-kind the date the organization receives the building materials
- Property the date the deed that transfers the property to organization is executed, the deed must also be recorded.

- Multiple Contributions Please list only the last contribution date for multiple contributions.
- CrowdFunding sites (GoFundMe, Kickstarter, YouCaring) Contributions should be recorded as having been made on the date the transaction was completed by the donor.

### Membership Dues

Dues or fees associated with membership into an organization are not eligible for NAP tax credits.

# **Monitoring Policy**

#### On-Site Review

IHCDA may, at the discretion of staff, elect to conduct an on-site review to ensure the appropriate discharge of NAP funds and to ensure that the activity fulfills goals and practices as outlined in the initial NAP application.

### Program File Audit

IHCDA may, at the discretion of staff, elect to perform a file/documentation audit either in conjunction with an on-site review, or by requesting documents be submitted to IHCDA within a reasonable period of time, up to a maximum of thirty (30) calendar days following notification. This audit will ensure that organizations are maintaining proper records in accordance with NAP policy and to verify the authenticity of submitted reports.

#### Income Documentation

If an organization is performing an eligible activity for an economically disadvantaged household, the organization must retain income documentation demonstrating that the beneficiaries meet the qualifications of an economically disadvantaged household.

### Non-Compliance

Failure to comply with NAP regulations and policies as established by this manual or Indiana Code may result in a de-allocation of awarded credits, ineligibility in the following NAP cycle, and/or further penalties at the discretion of IHCDA.

# Reconciling Issues with NAP Tax Credits

Each year, IHCDA must submit a Donor Contribution Report to the IDOR as documentation for donors who file the tax credits on their taxes. The report summarizes all contributions made for the previous calendar year (January 1-December 31). The report includes the following information:

- Donor name (as recorded by the organization)
- Donor Tax ID
- Donor Address
- Date of the Contribution
- Amount of the Contribution
- Organization where the contribution was made

The report is submitted in mid-January and uploaded by IDOR. As donors file their taxes, the donors will claim their tax credits. The claim is either accepted or rejected by IDOR.

### A Rejected Tax Credit

If the tax credit is rejected, then IDOR will send the donor a letter indicated that the tax credit was rejected and it is unable to file the credit with the tax return. Tax credits are rejected by IDOR for one of the following reasons:

- No contribution was included on the Donor Contribution Report.
- The taxpayer information in the report does not match the information on the donor's tax return.
- The taxpayer has claimed more than maximum contribution amount of \$25,000.
- The taxpayer is claiming an amount different than was reported.

Most often, the donor will call IDOR. IDOR will refer the donor to the organization that received the contribution or IHCDA. Reconciliation of most tax credit issues will reside with the organization that received the contribution or IHCDA.

If the donor contacts IHCDA, the Community Programs Analyst will review the most recent Donor Contribution Report to ensure that a contribution was submitted and the report's information matches what the donor thinks should be submitted. If the information is correct on the Donor Contribution Report, then IHCDA will work with IDOR to get the credit uploaded in the system. IHCDA will refer the donor to the organization that received the contribution if the information on the report is missing or incorrect.

### How to Reconcile Tax Credit Issues

To begin the process, the organization must ensure that the donor's tax return matches the amount filed on the report. If the donor's contribution amount listed in its tax return differs from the organization's records, then the donor will need to work with IDOR to update the tax return. If the amount was listed incorrectly on the Donor Contribution Report, then the organization must work with IHCDA and IDOR to resolve.

#### Tax Credit Not Filed by the Organization:

If the NAP tax credit was denied because it was not included in the Donor Contribution Report, then the donor will be referred to the organization where the donation was made. The organization must confirm that the donation was made. The organization will need to upload the donor's information into IHCDAonline. Once the donation information has been updated online, the organization must contact IHCDA that additional credits were uploaded. IHCDA will need to send an amended Donor Contribution Report to IDOR.

#### Taxpayer Info Does Not Match the Tax Return:

A NAP tax credit may be rejected if the taxpayer information contained in the Donor Contribution Report does not match the information filed by the donor on his or her tax return. For example, Jane Doe donated \$200 to ABC Community Group with a tax identification number of 35-1263548. When the report was entered, Janetta R Doe was entered into the system with a tax identification number of 35-1263548 and a donation of \$200. The system will reject the information and require it to be corrected correction by the organization.

A tax credit may also be rejected if the amount of the credit filed on the tax return does not match the amount of the credit filed in the report. Jane Doe donated \$200 to ABC Community Group with a tax identification number of 35-1263548. When the report was entered, Jane Doe was entered into the system with a tax identification number of 35-1263548 and a donation of \$100. The system will reject the credits because the donation amounts do not match. In this instance, the organization or donor will need to provide the right information to IDOR.

The donor must contact the organization to correct the donor information. The organization must verify that the donor's information matches what was submitted on the tax return. For example, the full name, tax identification number or social security number, and contribution amount must match.

The organization must confirm that the donation was made. The organization will need to upload the donor's information into IHCDAonline. Once the donation information has been updated online, the organization must contact IHCDA to notify it that additional credits were uploaded. IHCDA will need to send an amended Donor Contribution Report to IDOR.

### **Exceeded Maximum Contribution Limit:**

The taxpayer has claimed more than \$25,000 in tax credits.

#### **Other Common Issues**

- Names on Donor Contribution Report
- Donations Made by Corporations on Behalf of Employees
- Multiple Donations by the Same Person or Same Tax Identification Number

# **Appendix A: Definitions**

<u>Annual Income</u> - Gross revenue received by all members of a household during the preceding twelvemonth period.

<u>Area Median Income</u> – Area median income for the county in which the participant/organization's activity is located. HUD revises this figure annually. Appendix E contains figures which applicants may use for NAP applications to determine economically disadvantaged households.

Applicant - An organization applying for NAP tax credits.

<u>Beneficiary</u> - a person receiving services or assistance via a NAP program who resides in an economically disadvantaged area or economically disadvantaged household.

<u>Certificate of Existence</u> – Proof of proper business filing is a Certificate of Existence. For information about filing a business entity report and obtaining an official Certificate of Existence from the Indiana Secretary of State's Business Services Division visit the website at <a href="http://www.in.gov/sos/services.html">http://www.in.gov/sos/services.html</a> or call (317) 232-6531.

<u>Counseling and Advice</u> –for the purposes of this NAP Policy means:

- Pre- or post-homeownership counseling (as separately defined under this Policy);
- Foreclosure prevention counseling;
- Budgeting advice or financial education;
- Counseling provided in conjunction with permanent supportive housing or shelter plus care projects;
- Case management of the homeless or those being temporarily housed;
- Psychological or mental health counseling of veterans and other individuals, economically disadvantaged households, groups, or neighborhood organizations in economically disadvantaged areas; or
- Psychological and mental health counseling for those 55 and older or disabled who live in their home or desire to transition from a nursing home or other assisted living facility.

<u>Community Revitalization</u> – an activity designed to improve the economic health of an economically disadvantaged area. Typically, such programs aim to incentivize businesses to relocate to, or remain in, the economically disadvantaged area, encourage the creation and retention of new jobs, and/or encourage entrepreneurship and the formation of new businesses.

<u>Crime Prevention</u> – An activity which aids in the reduction of crime in an economically disadvantaged area or economically disadvantaged household.

Durable medical equipment - any equipment that meets all of the following requirements:

- a) provides therapeutic benefits or enables the individual to perform certain tasks that he or she is unable to undertake otherwise due to certain medical conditions or illnesses; and
- b) can withstand repeated use; and
- c) is primarily and customarily used to serve a medical purpose; and
- d) generally is not useful to a person in the absence of an illness or injury; and
- e) is appropriate for use in the home but may be transported to other locations to allow the individual to complete instrumental activities of daily living, which are more complex tasks required for independent living.

#### <u>Economic Development Assistance</u> - for the purposes of this NAP Policy means:

- Vocational education or job training provided to improve the economic condition of an economically disadvantaged household, economically disadvantaged area, or to individuals who are ex-offenders who have completed their criminal sentences or are serving a term of probation or parole;
- Activities designed to increase the number of quality jobs within the economically disadvantaged area, to increase in non-resident share of the tax base within the economically disadvantaged area, or support existing businesses within the economically disadvantaged area;
- Activities promoting innovation and competitiveness, preparing economically disadvantaged areas for growth and success by fostering entrepreneurship, innovation and productivity through investments in infrastructure development, capacity building or business development;
- Activities promoting entrepreneurship or economic growth for economically disadvantaged households; or
- Activities promoting community revitalization (as separately defined in this Policy).

<u>Economically Disadvantaged Area</u> – a designated Enterprise Zone (see Appendix F,) an area with unemployment level at 2% or higher than the state average (according to Indiana Department of Workforce Development,) or any other federally or locally designated economically disadvantaged area in Indiana.

<u>Economically Disadvantaged Household</u> – A household with an annual income that is at or below eighty percent (80%) of the area median income (see Appendix E,) a member of any federally or locally designated target population, or a homeless family or individual who is at or below eighty percent (80%) of the area median income.

<u>Education</u> – Providing any type of scholastic instruction, scholarship assistance, or other instruction to an individual who resides in an economically disadvantaged household or an economically disadvantaged area, or to an individual who is an ex-offender who has completed the individual's criminal sentence or is serving a term of probation or parole, that enables the individual to prepare for better life opportunities.

#### Emergency Assistance –for the purposes of this NAP Policy means:

• Emergency shelters (as separately defined in this Policy);

- Acquisition and demolition of structures that have been deemed structurally unsound and in danger of imminent collapse by a state or local government agency;
- Mortgage, property tax, insurance, and utility payment assistance for economically disadvantaged households that are not current on those;
- Emergency food assistance (as separately defined in this Policy); or
- Corrections of violations of local health or safety code which endanger the safety or well-being
  of residents of the economically disadvantaged household or economically disadvantaged area.

<u>Emergency Food Assistance</u> – Making food available to those that are unable to attain it through conventional means.

<u>Emergency Shelter Services</u> – providing temporary daytime and/or overnight accommodations for homeless persons. An emergency shelter may include appropriate eating and cooking facilities. Emergency shelters must serve homeless individuals or families that lack fixed, regular, and adequate nighttime residences, or individuals or families whose primary nighttime residence is:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
- An institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This term does not include any individual imprisoned or otherwise detained under an Act of the Congress or a State law. See also Public Facilities.

<u>Enterprise Zone</u> – an "enterprise zone" created under IC 5-28-15. Appendix F contains a list of enterprise zones in Indiana.

Ex- Former.

<u>Family</u> – All persons living in the same household who are related by birth, marriage, or adoption.

Homeless- means individuals who fall within one (1) of the following categories:

- a. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - 1. Has a primary nighttime residence that is a public or private place not meant for human habitation;
  - Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government program); or
  - 3. Is exiting an institution where (s) he has resided for 90 days or less <u>and</u> who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
- b. Individual or family who will imminently lose their primary nighttime residence, provided that:

- 1. Residence will be lost within 14 days of the date of application for homeless assistance;
- 2. No subsequent residence has been identified; and
- 3. The individual or family lacks the resources or support networks needed to obtain other permanent housing.
- c. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
  - 1. Are defined as homeless under the other listed federal statues;
  - 2. Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;
  - 3. Have experienced persistent instability as measured by two (2) moves or more during in the preceding 60 days; and
  - 4. Can be expected to continue in such status for an extended period of time due to special needs or barriers.
- d. Any individual or family who:
  - Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that related to violence against the individual or family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
  - 2. Has no other residence; and
  - 3. Lacks the resources or support networks e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

<u>Homeownership Counseling</u>- Counseling and assistance given to individuals on a variety of homeownership issues, including loan default, fair housing, and buying a home. To be eligible, the organization must be a HUD-approved housing counseling agency.

<u>Household</u> — Persons living in the same dwelling unit, regardless of relationship or economic interdependence; individuals who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; or are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; or persons who would reasonably reside in the same dwelling unit but are homeless.

Housing Facilities – for the purposes of this NAP Policy means:

- Emergency shelters (as separately defined in this Policy);
- Youth shelters (as separately defined in this Policy);
- Construction or rehabilitation of single family housing;
- Construction or rehabilitation of multi-family housing;
- · Accessibility improvements to owner-occupied single family housing; or
- Accessibility improvements to multi-family units that currently carry IHCDA funding restrictions, such as affordability covenants related to HOME, CDBG, Development Fund and/or Low-Income Housing Tax Credits;

<u>Job Training</u> – Any type of instruction to an individual who resides in an economically disadvantaged area or an economically disadvantaged household, or who is an ex-offender who has completed the

individual's criminal sentence or is serving a term of probation or parole, that enables the individual to acquire vocational skills or training so that the individual can become employable or be able to seek a higher grade of employment.

<u>Medical Care</u> – for the purposes of this NAP Policy means:

- Assistance of individuals with chronic conditions and disabilities in moving from a qualifying institution to return to their community;
- The construction or rehabilitation of facilities in which a chronic condition or disability is diagnosed, cured, mitigated, treated, or prevented;
- The diagnosis, cure, mitigation, treatment, or prevention of a chronic condition or disability; or treatment affecting any structure or function of the body provided to individuals in Economically Disadvantaged Households or Economically Disadvantaged Areas;
- The diagnosis, cure, mitigation, treatment, or prevention of a chronic condition or disability, or affecting any structure or function of the body for those above 55 or disabled at their place of residence;
- Providing medical accommodations to the disabled to promote accessibility; or
- Providing durable medical equipment to an economically disadvantaged household or an economically disadvantaged area.

NAP Cycle – The 15-month period from the date of award to the due date of the close out report.

<u>Neighborhood Assistance</u> – the furnishing of financial assistance, labor, material and technical advice to aid in the physical or economic improvement of any part of an economically disadvantaged area; or furnishing technical advice to promote higher employment in any neighborhood in Indiana.

<u>Neighborhood Organization -</u> any organization, including but not limited to, a nonprofit development corporation doing both of the following:

- Performing Community Services
  - o In an economically disadvantaged area;
  - o For an economically disadvantaged household; or
  - For individuals who are ex-offenders who have completed the individual's criminal sentences or are serving a term of probation or parole.
- Holding a ruling
  - From the Internal Revenue Service of the United State Department of the Treasury that the organization is exempt from income taxation under the provisions of the Internal Revenue Code; and
  - From the department of state revenue that the organization is exempt from income taxation under IC 6-2.5-5-21.

<u>Not-for-profit Organization – A</u> corporation, business, or entity, qualified to do business in Indiana, with 501(c)3 tax-exempt status or non-profit status under IC 6-2.5-5-21.

Offender – A person who has been convicted of committing a crime.

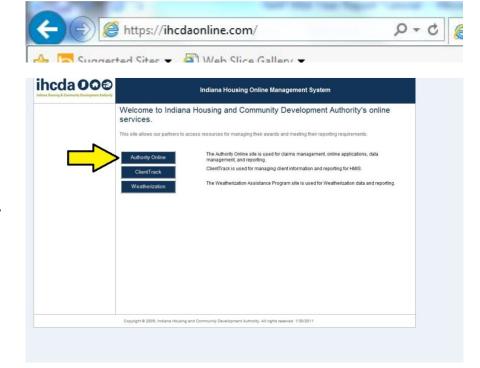
<u>Recreational Facilities</u> – for the purposes of this NAP Policy means: construction or rehabilitation of parks, playgrounds, gymnasiums, museums, swimming pools or wading pools, field houses, bathing beaches, stadiums for the display of spectator sports, golf courses, automobile race tracks, campgrounds, boat ramps and launching sites, hunting and fishing areas, walking, bicycle or bridle paths, senior citizen centers, dog parks, skate parks, sledding areas, and community centers, or any combination thereof, to which the public has reasonable access (*Strategic Priority: Comprehensive Community Development*).

# **Appendix B: Donor Report Tutorial**

This guide will provide instructions for how organizations can file the Mid-Year Report, which is due on December 4, 2015 and the End-of-Year Report, which is due April 1, 2016.

Direct your web browser to

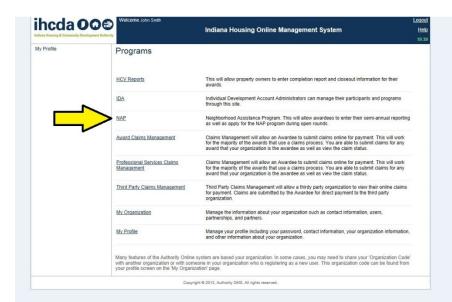
IHCDAOnline.com



2. Select "Authority Online."



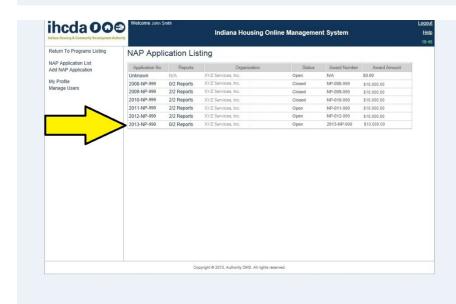
3. Enter your username and password. Then select the button labeled "Login."



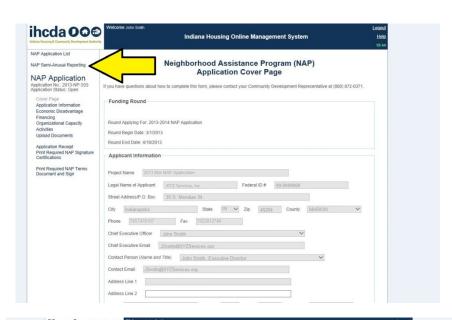
4. Select the link "NAP."

Select the appropriate project number.

Note: For projects that began in 2013, the project number will begin with "2015-NP"



6. On the left side of the screen, beneath the IHCDA logo, click the link named "NAP Semi-Annual Reporting."



7. Using the pulldown menu, ensure that the field labeled "For Period" shows the correct period.

For the Mid-Year
Donor
Contribution
Report the box
should read "First
Half."

For the End-of-Year
Donor
Contribution
Report the box
should read
"Second Half."

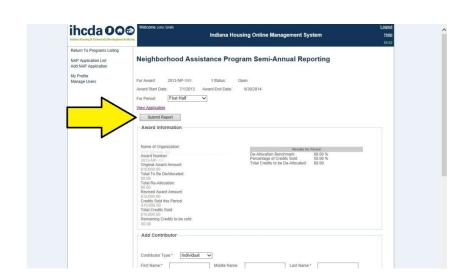


8. Scroll down the page to the area labeled "Add Contributor."

Select the "Contributor
Type" (Individual or Business) and complete the form with the contributor's information.

- 9. When finished, click the button labeled "Add Contributor."
- 10. Repeat steps 8 and 9 until all your contributors have been entered.
- 11. Scroll back up to the top of the page and select the button labeled "Submit Report."





Please contact Indiana Housing and Community Development Authority at (317)-232-7777 or <a href="NAP@ihcda.in.gov">NAP@ihcda.in.gov</a> with any questions.

# **Appendix C: Individual Tax Filing Guide**

This guide will help organizations to advise donors on how to claim NAP tax credits on their Indiana Individual Tax Returns.

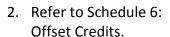
To claim your NAP Tax Credits you will need:

- Form IT-40
- Schedule 6: Offset Credits form

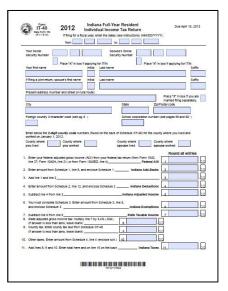
Both forms are available here:

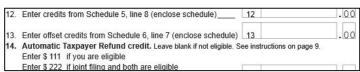
http://www.in.gov/dor/in
dex.htm
(.pdf format)

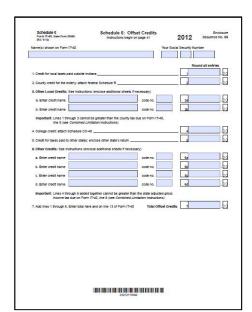
1. Complete form IT-40 up to line 13.



3. Enter your name and Social Security number in the appropriate spaces on the Schedule 6 form.







#### On line 6a:

- 4. After "Enter Credit Name", enter "Neighborhood Assistance Credit".
- 5. After "Code no" enter "828"
- Finally, in the rightmost space, enter the value of your credits.

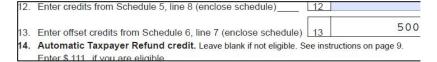
NOTE: The value of your credits is 50% of the value of your NAP-eligible donation. This value may not exceed \$25,000 (I.C. 6-3.1-3(b))



7. Enter the sum of the values of all tax credits on line 7.



8. Transfer the figure from Schedule 6 line 7 over to line 13 on your IT-40.



9. Complete your IT-40 and submit along with your completed Schedule 6 to the Indiana Department of Revenue.



Please contact the Indiana Housing and Community Development Authority at (317)232-7777 or the Indiana Department of Revenue at (317)232-2240 with any questions.

### Appendix D: Area Median Income and Enterprise Zones

# **Area Median Income**

(To Be Used To Demonstrate "Economically Disadvantaged Household")

To find out more information about the Area Median Incomes for Indiana's 92 counties, go to http://www.huduser.org/portal/datasets/il/il15/index\_mfi.html

## **Enterprise Zones**

(To Be Used To Demonstrate Meeting "Economically Disadvantaged Area.")

NAP Legislation (IC-6-3.1-9(e)) defines "Economically Disadvantaged Area as, "an enterprise zone, or any other federally or locally designated economically disadvantaged area in Indiana."

To find out more information about Indiana's Enterprise Zones, you visit one of Indiana websites for more information.

Indiana Department of Revenue's Enterprise Zone Maps <a href="http://www.in.gov/dor/3622.htm">http://www.in.gov/dor/3622.htm</a>